UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,996	10/18/2001	Dorothea Kuettner	10011035	1545

7590   04/06/2007

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
3623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
	10/045,996	KUETTNER ET AL.
Office Action Summary	Examiner	Art Unit	
	Andre Boyce	3623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ ..

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Final office action is in response to Applicant's amendment filed January 16,

2007. Claims 1-20 are pending.

2.   Applicant's arguments filed January 16, 2007 have been fully considered but they

are not persuasive.

Claim Rejections - 35 USC § 103

3.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

4.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Adler (US 2002/0169658), in view of Lindell (USPN 6,622,056).

As per claim 8, Adler discloses a method for performing alternative supply

chain analysis (i.e., strategy model and analysis tool, including a spreadsheet

application that apply predefined macros, ¶ 0033) comprising the steps of: b)

classifying and naming objects flowing through said supply chain (i.e.,

modeling environment specifies the information in terms of object model,

comprising object classes, ¶ 0082); c) building a supply chain model (i.e.,

modeling industrial markets in terms of businesses broken down into buyer,

seller, and trade categories, ¶ 0077) wherein said supply chain model is

automatically built to have desired capabilities (i.e., an integrated set of

dedicated strategy modeling and analysis including loading the models and

scenarios into an application engine that dynamically simulates the behavior of

the market, ¶ 0033); d) inputting data to said supply chain model to enable

designing at least one supply chain scenario (i.e., sliders and windows that

enable users to specify the domain, ¶ 0086 and plurality of scenarios 12, ¶

0073); and, e) using said supply chain model for said designing of said at least

one supply chain scenario (i.e., plurality of scenarios 12, ¶ 0073). Adler does

not explicitly disclose classifying and naming nodes in a supply chain and

building a supply chain model using said classifications and said names of

said nodes and said objects. Lindell discloses the path from the point of origin

to the point of consumption of goods in a supply chain comprising several

nodes, including producers, wholesalers, and distributors (figure 1 and column

3, lines 37-42). Both Adler and Lindell are concerned with analyzing and

modeling control of products in a supply network, therefore it would have been

obvious to one having ordinary skill in the art at the time the invention was

made to include classifying and naming nodes in Adler, as seen in Lindell, thus

allowing the network to be applicable to supply chains of arbitrary length and

levels, as disclosed in Lindell (column 4, lines 15-17), making the Adler system

more robust and flexible.

As per claim 9, Adler does not disclose said nodes are classified as parts

sources, internal demand nodes and terminal demand nodes. Lindell

discloses the path from the point of origin to the point of consumption of goods

in a supply chain comprising several nodes, including producers, wholesalers, and distributors (figure 1 and column 3, lines 37-42). Further, Lindell discloses a supplier means 31, connected to a customer means 32, connected to a customer's customer means 33 (column 4, lines 3-7). Both Adler and Lindell are concerned with analyzing and modeling control of products in a supply network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include nodes classified as parts sources, internal demand nodes and terminal demand nodes in Adler, as seen in Lindell, thus allowing the network to be applicable to supply chains of arbitrary length and levels, as disclosed in Lindell (column 4, lines 15-17), making the Adler system more robust and flexible.

As per claim 10, Adler discloses said objects flowing through the supply chain are classified as products, product forms and parts (i.e., non-autonomous objects, including products and services, ¶ 0073).

As per claim 11, Adler discloses said supply chain scenario is designed using an interactive symbolic visual interface (i.e., GUI enabling users to control and monitor the system, ¶ 0085).

As per claim 12, Adler discloses said interactive symbolic visual interface comprises interactive node icons and interactive connection element icons (i.e., pixel icon representing buyer, seller, trader in display window, table 9).

As per claim 13, Adler does not disclose said interactive node icons represent parts sources, internal demand nodes and terminal demand nodes. Lindell

discloses the path from the point of origin to the point of consumption of goods in a supply chain comprising several nodes, including producers, wholesalers, and distributors (figure 1 and column 3, lines 37-42). Further, Lindell discloses a supplier means 31, connected to a customer means 32, connected to a customer's customer means 33 (column 4, lines 3-7). Both Adler and Lindell are concerned with analyzing and modeling control of products in a supply network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include nodes classified as parts sources, internal demand nodes and terminal demand nodes in Adler, as seen in Lindell, thus allowing the network to be applicable to supply chains of arbitrary length and levels, as disclosed in Lindell (column 4, lines 15-17), making the Adler system more robust and flexible.

As per claim 14, Adler discloses the scenario properties are altered using a visual display-pointing device in association with the icons (i.e., GUI is used to select the domain model, scenario and decision option to be loaded into the system, ¶ 0092).

As per claim 7, Adler discloses more than one supply chain (i.e., allowing businesses to adopt different roles with respect to trade items in different marketplaces, ¶ 0037).

Claims 1-6 and 15-20 are rejected based upon the rejection of claims 8-13, since they are the system and computer readable medium claims, respectively, corresponding to the method claims.

Response to Arguments

5.   In the Remarks, Applicant continues to argue that the provisional application
(60/274,328) does not provide support for paragraphs 0073, 0077, and 0086. The
Examiner respectfully disagrees and resubmits the following support. With respect
to paragraph 0073, the Examiner relies on that paragraph to disclose a plurality of
scenarios. Similarly, the provisional application discloses various scenarios
(page 21, lines 3-6). With respect to paragraph 0077, the provisional
application discloses modeling industrial markets (page 21, lines 22-23, page
22, lines 1-3). With respect to paragraph 0082, the provisional application
discloses the model represented using an object-oriented modeling environment
(pages 29-30). With respect to paragraph 0086, the provisional application
discloses a GUI including control buttons and input settings (e.g., in the form of slide
controls, page 67, lines 19-23). With respect to paragraph 0033, support can be
found in the provisional application at least at page 11, lines 3-21.

Moreover, the Examiner submits that critical reference date of a U.S. patent or
U.S. application publications, entitled to the benefit of the filing date of a provisional
application under 35 U.S.C. 119(e), is the filing date of the provisional application if
the provisional application(s) properly supports the subject matter relied upon to
make the rejection in compliance with 35 U.S.C. 112, first paragraph. MPEP
§2136.03(III). As such, there is no requirement that the non-provisional application
mirror the provisional application. Instead, there is an enablement requirement of
one skilled in the art, which is indeed satisfied here.

With respect to claim 8, Applicant argues that neither Adler nor Lindell disclose building a supply chain model wherein said supply chain model is automatically built to have desired capabilities. In addition, Applicant adds that Adler's models are not dynamically built, instead Adler's behavior is dynamically simulated based on models that are loaded. The Examiner respectfully disagrees with Applicant's characterization of Adler. Adler discloses an integrated set of dedicated strategy modeling and analysis including loading the models and scenarios into an application engine that dynamically (i.e., automatically) simulates the behavior of the market and participating businesses (i.e., supply chain) over a desired interval(¶ 0033). Moreover, Adler discloses the simulation engine simulating fulfillment of company commitments to utilize B2B services, projecting sourcing actions and trades over time, and applying behavioral decision rules, resulting in changes in their marketplace participation (¶ 0046), thus indeed automatically building a supply chain.

With respect to claim 1, Applicant argues that Adler teaches away from spreadsheets, for example in paragraph 0008, and therefore cannot teach or suggest a spreadsheet. In addition, Applicant argues that the office action failed to cite any portion of any reference against a spreadsheet application having a macro programming capability. The Examiner respectfully disagrees and submits that Adler discloses an integrated set of dedicated strategy modeling and analysis including importing information into a commercial spreadsheet package and applying predefined macros and standardized reports (¶ 0033).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the statutory period for reply

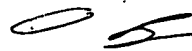expire later than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andre Boyce whose telephone number is (571) 272-

6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-

8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-

272-1000.

adb
April 2, 2007

ANDRE BOYCE
PATENT EXAMINER
A.U. 3623